

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN RE TERRORIST ATTACKS ON SEPTEMBER 11, 2001

)
) No. 03 MDL 1570 (RCC)
) ECF Case
)

This document relates to:

ASHTON, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 02-CV-6977;
BURNETT, *et al.* v. AL BARAKA INVESTMENT & DEVELOPMENT CORP., *et al.*, Case No. 03-CV-5738;
CANTOR FITZGERALD ASSOCIATES, LP, *et al.* v. AKIDA INVESTMENT CO., LTD., *et al.*, Case No. 04-CV-7065;
CONTINENTAL CASUALTY CO., *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 04-CV-05970;
EURO BROKERS, INC., *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07279;
FEDERAL INSURANCE CO., *et al.* v. AL QAIDA, *et al.*, Case No. 03-CV-6978;
NEW YORK MARINE AND GENERAL INSURANCE CO. v. AL QAIDA, *et al.*, Case No. 04-CV-6105;
ESTATE OF O'NEILL, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-1923;
SALVO, *et al.* v. AL QAEDA ISLAMIC ARMY, *et al.*, Case No. 03-CV-5071;
TREMSKY, *et al.* v. OSAMA BIN LADEN, *et al.*, Case No. 02-CV-7300; and
WORLD TRADE CENTER PROPERTIES LLC, *et al.* v. AL BARAKA INVESTMENT AND DEVELOPMENT CORP., *et al.*, Case No. 04-CV-07280.

**AL HARAMAIN ISLAMIC FOUNDATION, INC. (USA)'S,
PEROUZ SEDAGHATY'S, AND SOLIMAN H.S. AL-BUTHE'S
RESPONSE TO PLAINTIFFS' CONSOLIDATED COMPLAINTS**

Defendants Al Haramain Islamic Foundation, Inc. (USA) ("AHIF"), Perouz Sedaghaty, and Soliman H.S. Al-Buthe, by and through undersigned counsel, respectfully submit their response to the plaintiffs' "consolidated" complaints. Defendants' motions to dismiss the *Ashton*, *Burnett II*, *Cantor Fitzgerald*, *Continental Casualty*, *Euro Brokers*, *Federal Insurance*, *New York Marine*, *O'Neill*, *Tremsky*, and *WTC Properties* complaints are fully briefed.

Subsequently, on September 30, 2005, these plaintiffs filed their "consolidated" complaints, which merely consisted of their complaints supplemented by a total of 164 RICO

Statements and Rule 12(e) More Definite Statements (however, the *Cantor Fitzgerald* and *Tremsky* plaintiffs failed to file anything). However, with a few exceptions, none of these supplemental filings has any new allegations about these three defendants that have not already been addressed in their motions to dismiss.

The purportedly new allegations as to these three defendants fall into two categories. First, the plaintiffs largely reiterate their allegations relating to these defendants' involvement with the Saudi Joint Relief Committee's ("SJRC") charitable projects in Chechnya, with various incidental new details provided. As these defendants have previously briefed, and as has the SJRC itself, this charitable project was authorized at the highest levels of the Saudi government and the Russian government in Chechnya. See Al-Buthe motion (Docket Nos. 891-893 and 1113); AHIF and Sedaghaty motions (Docket Nos. 654-657, 890, and 894-895); and SJRC motion (Docket Nos. 631 and 819). Second, the *Burnett* and *WTC Properties* plaintiffs stated, in their Rule 12(e) statements as to defendant Islamic Assembly of North America, that Mr. Al-Buthe engaged in various transactions with that defendant and with several individuals, generally relating to the publication of books and websites. See *Burnett*, Plaintiffs' More Definite Statement as to Defendant the Islamic Assembly of North America, at ¶¶ 93, 95-96, 98-99, 101, 105 (Docket No. 1281); *Burnett*, Plaintiffs' More Definite Statement as to Defendant the Islamic Assembly of North America, at ¶¶ 99, 101, 102, 105, 107, 111 (Docket No. 208). However, these plaintiffs did not file any Rule 12(e) statements as to Mr. Al-Buthe himself, thereby confirming that plaintiffs do not consider the transactions that they reference as to the Islamic Assembly of North America to have any relevance for their claims against Mr. Al-Buthe.

Therefore, defendants AHIF and Messrs. Sedaghaty and Al-Buthe request that this Court consider their fully briefed motions to dismiss, Nos. 654-657 (Feb. 7, 2005), Nos. 890-895 (May 9, 2005), and No. 1113 (Aug. 8, 2005), as their response to the plaintiffs' "consolidated" complaints.

Respectfully submitted,

/s/ Lynne Bernabei

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DATED: October 18, 2005

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2005, I caused the foregoing to be served electronically on counsel of record by the Court's Electronic Case Filing (ECF) System, pursuant to ¶ 9(a) of Case Management Order No. 2 (June 16, 2004).

/s/ Alan R. Kabat

Alan R. Kabat